

# The Religious Freedom Amendment, 'State-Sponsored Prayer' & 'Captive Audiences'

**Question:** Does the Religious Freedom Amendment create state-sponsored prayer, or make schoolchildren a captive audience?

**Answer:** The RFA allows students to initiate school prayer, but explicitly **does not permit** government or its agents (meaning teachers, principals, etc.) to dictate that a prayer be given, nor to dictate the contents of a prayer. It also forbids requiring a person to join in prayer or any other religious activity. ("Hearing" a prayer is not the same as joining.)

Catch-phrases such as "state-sponsored prayer" or "captive audience" are often used by opponents of prayer in public school because they sound meaningful, but these in fact mean widely different things to different groups. Those who have sued to halt prayers at schools and school activities publicly claim they oppose only "state-sponsored" prayer. But to them this includes situations when a school simply **permits** prayer to occur, even when it is student-initiated. (Similarly, when they claim "students can already pray at school, or during school as long as they don't disrupt anyone", they mean that vocal group prayer can occur only before or after school hours, because they consider it "disruptive" during school hours.)

Their real goal is embodied in 1997's federal court ruling in Alabama, in Chandler v. James. As prayer foes requested, U.S. District Judge Ira Dement permanently enjoined the schools from "permitting prayers, Biblical and scriptural readings, and other presentations or activities of a religious nature, at all *school-sponsored or school-initiated* assemblies and events (including, but not limited to, sporting events), regardless of whether the activity takes place during instructional time, regardless of whether attendance is compulsory or noncompulsory, and regardless of whether the speaker/presenter is a student, school official, nonschool person"

The "captive audience" notion ignores the rights of the majority, who are required to be in school (for the biggest part of their day), yet are forced to leave their normal religious expressions behind while they are there. As Justice Potter Stewart noted in his dissent in Abington v. Schemp (1963), "a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion."

The best standard is the one applied by the Supreme Court to the Pledge of Allegiance (in West Virginia v. Barnette (1943)): No child is compelled to take part, but they are not permitted to silence or censor their classmates who wish to participate. The Religious Freedom Amendment follows the standard of that Supreme Court ruling.

## The Religious Freedom Amendment (House Joint Resolution 78)

"To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any state shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

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